

ORIGINAL
FILE

BEFORE THE

Federal Communications Commission RECEIVED

WASHINGTON, D. C. 20554

JAN - 4 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the Cable)
Television Consumer Protection)
and Competition Act of 1992)
)
Broadcast Signal Carriage Issues)

MM Docket No. 92-259

To: The Commission

COMMENTS OF R&R MEDIA CORPORATION

R&R Media Corporation ("R&R"), licensee of UHF Television Broadcast Station WTWS, New London, Connecticut, hereby files its comments concerning the Commission's Notice of Proposed Rulemaking, FCC 92-499 (released November 19, 1992) ("Notice"), concerning the implementation of the mandatory television broadcast signal carriage and retransmission consents provided for in the Cable Television Consumer Protection and Competition Act of 1992. These Comments are limited to the Commission's concerns with respect to the definition of a television market (paragraphs 18-23 of the Notice).

Section 76.51 of the Commission's Rules is a list of the largest 100 television markets and their designated communities derived chiefly from Arbitron's 1970 prime time household rankings. As recognized by the Commission in its Notice, numerous stations have commenced operation since promulgation of this rule. However, the Commission's

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modifications to the listing to add suburban designated communities has been very infrequent. Accordingly, stations licensed to suburban communities, that are recognized by Arbitron as part of the largest 100 television market, are denied carriage on market cable systems and are unable to claim territorial exclusivity for their syndicated programming (under the provisions of Section 73.658) in significant portions of their hyphenated markets.

Station WTWS illustrates the difficulties faced by suburban stations whose cities of license are not specifically included in the market definition under Section 76.51. As noted in more detail in the attached Petition for Rulemaking (a) WTWS provides Grade B coverage over all of the designated communities in the Hartford-New Haven-New Britain-Waterbury, Connecticut market ("Hartford-New Haven Market"); (b) New London is recognized by Arbitron, program suppliers and advertisers as part of the Hartford-New Haven Market; (c) WTWS's programming addresses the needs and interests of Hartford-New Haven Market viewers; and (d) WTWS is in direct competition with the Hartford-New Haven Market television stations. In spite of its presence in the market it is (a) regularly denied carriage on market cable systems due to the increased copyright fees associated with a station that is not defined as a local station under the Commission's rules; and (b) unable to claim territorial exclusivity for its syndicated programming due to the provisions of Section 73.658.

To rectify this inequitable situation, R&R strongly suggests that the Commission adopt the Arbitron area of dominant influence (ADI) market definition to define the parameters of a market. Additionally, to ensure that the listing remains current, the Commission should

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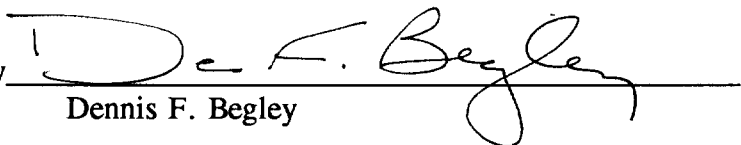
issue a revised listing every year much in the manner that it issues a revised listing of the top 50 markets for purposes of the Prime Time Access Rule.

Finally, stations and cable systems must have a means to seek revision of a television market. The Commission's suggestion that this be accomplished by a petition for special relief is a good one and should be adopted. Such a process would simplify the procedure and, hopefully, lead to expedited consideration of such requests.

In line with the Commission's recognition that Section 614(f) of the Cable Act of 1992 mandates that it must consider ad hoc revisions to the list through individual rulemaking notices, R&R has filed such a request on December 21, 1992. The Petition for Rulemaking, a copy of which is attached hereto, is hereby incorporated by reference.

In the event that the Commission does not fully act on R&R's petition for rulemaking prior to establishing a revised list of the largest 100 television markets, it is specifically requested that the listing adopted in this proceeding designate the Hartford-New Haven market as "Hartford-New Haven-New Britain-Waterbury-New London."

R&R MEDIA CORPORATION

By 
Dennis F. Begley

Its Counsel

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January 4, 1993

BEFORE THE
Federal Communications Commission

WASHINGTON, D. C. 20554

file
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JAN - 4 1993

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)

)
Amendment of Section 76.51 of)
the Commission's Rules to Include)
New London, Connecticut in the)
Market Currently Designated as the)
"Hartford-New Haven-New Britain-)
Waterbury, Connecticut" Television)
Market)

MM Docket No. _____
RM _____

To: Roy J. Stewart, Chief
Mass Media Bureau

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DEC 21 1992

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

PETITION FOR RULEMAKING

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December 21, 1992

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BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

JAN - 4 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
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Market Currently Designated as the)
"Hartford-New Haven-New Britain-)
Waterbury, Connecticut" Television)
Market)

MM Docket No. _____
RM _____

To: Roy J. Stewart, Chief
Mass Media Bureau

PETITION FOR RULEMAKING

R&R Media Corporation ("R&R"), licensee of Television Station WTWS, New London, Connecticut, by counsel, hereby requests that the Commission initiate a rulemaking proceeding to amend Section 76.51(a) of the Commission's rules, 47 C.F.R. Section 76.51(a), to change the designation of the major television market "Hartford-New Haven-New Britain-Waterbury, Connecticut" (hereinafter referred to as the "Hartford-New Haven market") to "Hartford-New Haven-New Britain-Waterbury-New London, Connecticut." In support of this petition, the following is demonstrated:

A. Preliminary Statement

As the Commission discussed in its Notice of Proposed Rulemaking, TV 14, Inc. (Rome and Atlanta, Georgia), FCC 92-436 (released December 8, 1992) ("TV 14"),^{1/} the market designation

^{1/} A copy of which is attached hereto as Attachment A.

listing in Section 76.51 of the Commission's rules is not only used to determine territorial exclusivity rights under Section 73.658(m) of the rules, but also helps define the scope of compulsory copyright license liability for cable operators under 17 U.S.C. § 111(f). At present, WTWS is considered a "distant" signal by most Hartford and New Haven area cable systems, requiring such systems to incur a copyright fee in order to carry it. Several cable systems serving communities within WTWS's Grade B contour have therefore refused WTWS carriage. Inclusion of New London in the Hartford-New Haven market designation would permit cable systems in the Hartford-New Haven areas to carry WTWS on an equal basis with the other television stations in the market without incurring "distant signal" copyright liability.

Hyphenation of a market is based on the premise that stations licensed to any of the named communities in that market do, in fact, compete with all stations licensed to such communities. See, TV 14, supra. Thus, the initial issue to be decided is whether the proposed and designated market communities constitute a single major television market, a determination reached by analyzing the overlap in coverage, treatment by ratings services, and other factors to determine whether the stations compete in the same market for advertising revenues. See Major Television Markets (Fresno-Visalia, California), 57 RR 2d 1122, 1124 (1985) ("Fresno"). If it is concluded that the communities do comprise a single market, the Commission then considers four other factors:

(a) the distance between the proposed community and the existing designated communities; (b) whether cable carriage, if afforded to the subject station, would extend to areas beyond its Grade B signal coverage area; (c) the presence of a clear showing of a particularized need by the station requesting the change of market designation; and (d) an indication of benefit to the public from the proposed change. Id.; see also TV 14, supra.

**B. WTWS Competes With The Other Market Stations:
New London is Part of the Hartford-New Haven Market**

WTWS is an independent UHF station licensed to operate on Channel 26 at New London, a community located approximately 43 miles from Hartford, 44 miles from New Haven, 51 miles from Waterbury, and 42 miles from New Britain. See Warren Publishing's 1992 Cable & Station Coverage Atlas, Maps 19 and 121. (Attachment B hereto.) The other commercial television stations in the Hartford-New Haven ADI market include WFSB, Hartford; WTIC-TV, Hartford; WTNH-TV, New Haven; WTXN, Waterbury; and WVIT, New Britain. See TV & Cable Factbook, Vol. No. 60 (1992, Stations Volume), p. A-204 (Attachment C hereto); 1992 Cable & Station Coverage Atlas, p. 212 (Attachment B).^{2/} All of those stations place at least a Grade B signal over New London. TV & Cable

^{2/} Broadcasting & Cable Market Place 1992, p. E-48 (Attachment D hereto), also lists Stations WHCT-TV, Channel 18 in Hartford and WTVU, Channel 59, New Haven, as part of that ADI. But WHCT went off-the-air over a year ago. See Declaration of Geoff Rose, Attachment E, p. 4 hereto. WTVU is a satellite of WVIT. See Attachment E, Exhibit No. 1 thereto.

Factbook, Vol. No. 60 (1992, Stations Volume), pp. 206-211 (Attachment C). In fact, Eastern Connecticut Cable TV, Inc., the cable television system serving New London, carries, off-the-air, the signals of Hartford station WTIC-TV, New Haven station WTNH-TV, New Britain station WVIT, and Waterbury station WTXX. See Television & Cable Factbook, Vol. No. 60, (Cable Volume), p. 232. (Attachment F hereto).

Conversely, WTWS places a Grade B signal over all of the designated communities in the Hartford-New Haven market (Hartford, New Haven, New Britain and Waterbury), a Grade A signal over Hartford, and a Grade B signal over the vast majority of the Hartford-New Haven ADI market. TV & Cable Factbook, Vol. No. 60, (1992, Stations Volume), p. 210 (Attachment C).^{3/} Indeed, the Hartford-New Haven edition of "TV Guide" includes WTWS in its listing. See Attachment E, Exhibit No. 1 thereto.

As noted above, Arbitron Rating Service ("Arbitron") considers New London to be part of the Hartford-New Haven ADI market.^{4/} See Attachments B, p. 212; C, pp. A-204, A-210; D, p. E-48; and E, pp. 1-2. In fact, the attached entry from Broadcasting & Cable Market Place 1992, p. E-48 (Attachment D) indicates that Arbitron includes

^{3/} The Commission takes the position that television stations actually do (or logically can) rely on the area within their Grade B contours for economic support. Major Television Markets (Orlando-Daytona Beach, Melbourne, and Cocoa, Florida), 57 RR 2d 685, 690 (1985) ("Orlando").

^{4/} In Orlando, p. 691, the Commission acknowledged that a common Arbitron designation also indicates mutual economic reliance on the same market.

New London parenthetically in its Hartford-New Haven ADI market designation. See also the Orion Television Entertainment contract included in Exhibit No. 4 to Attachment E hereto. A. C. Nielsen Company ("Nielsen") also includes New London in its "Hartford-New Haven" market. See Declaration of Geoff Rose, Attachment E, p. 2, and Exhibit No. 3 thereto. Furthermore, program suppliers, as well as media buyers, consider WTWS to be located within the "Hartford-New Haven", "Hartford" or "Hartford/New London" television market. See Attachment E, p. 2 and Exhibit No. 4 thereto.

WTWS' programming also reflects the fact that the station serves not only New London, but also viewers in the Hartford and New Haven areas of the market. For example, "Speak Out Southern New England," a monthly one-hour live public affairs telephone call-in show, has included as guests local leaders, experts or commentators from the Hartford area. See Declaration of Geoff Rose, pp. 2-3 (Attachment E). Further, a weekly one-hour sports call-in program, "Press Box," has featured as panelists sportswriters for The Hartford Courant and The New Haven Register newspapers. Id., p. 3. Moreover, beginning in January 1993, WTWS will begin broadcasting, at 10:00 p.m., the 6:00 p.m. local weeknight news broadcast of New Haven television station WTNH, demonstrating that the New Haven station covers news of interest to New London viewers, as well as viewers throughout other parts of the Hartford-New Haven market, just as WTWS aims programming at Hartford-New Haven area viewers in the market. Id., p. 3.

In light of the above, it must be concluded that New London is, in actuality, a part of the Hartford-New Haven television market and that WTWS is in direct competition with the other television stations licensed to that market. See, e.g., Fresno, supra.

C. Other Factors Warrant Inclusion of New London in the Hartford-New Haven Market

Having demonstrated that New London is, in fact, part of the Hartford-New Haven television market, and that WTWS competes with the other stations in that market, R&R now addresses the four additional factors considered by the Commission.

Distance from Other Communities. As discussed above, New London is between approximately 42-44 miles from Hartford, New Haven and New Britain and about 51 miles from Waterbury. In TV 14, supra, the Commission tentatively concluded that Rome, Georgia, located 56 miles from Atlanta, should be included in the Atlanta market designation. Thus, the distance between New London and the other named communities is sufficiently close to allow its inclusion in the Hartford-New Haven market designation.

Cable Carriage Beyond Grade B Contour. As also noted above, WTWS places a Grade B contour over all of the other named market communities and over most of the Hartford-New Haven ADI market. Thus, inclusion of New London in the Hartford-New Haven market designation would not significantly, if at all, facilitate cable carriage to areas beyond WTWS's Grade B signal, but would give it

"local" signal status for copyright purposes in a significant area within its Grade B contour.^{5/} Indeed, as discussed further below, it would balance the inequity WTWS now suffers as a result of several cable systems located within its Grade B contour refusing to carry it because of its "distant signal" status and the copyright fee associated with carriage of distant signals.

Particularized Need for Change in Market Designation.

Although WTWS competes with other stations in the Hartford-New Haven market, and pays Hartford-New Haven market rates for programming, it does not enjoy the benefit of being considered a "local" station for Hartford-New Haven area cable systems. Specifically, WTWS has been denied carriage on six cable systems serving communities located within the WTWS Grade B contour. See Declaration of Geoff Rose, p. 3 (Attachment E). All of those systems have refused WTWS carriage because of the costs associated with carrying WTWS as a "distant signal". Id., pp. 3-4.

Moreover WTWS pays the Hartford-New Haven rate for programming. However, since New London is not included in the Hartford-New Haven market designation, WTWS is precluded by Section 73.658 of the rules from obtaining territorial exclusivity against market stations for this programming.

^{5/} In Orlando, supra, at 692, the Commission added Melbourne to the market designation where a Melbourne station was seeking carriage in areas in which "most" of its natural over-the-air audience was located. Since it would "largely gain such rights in a significant area within that [Grade B] contour," the fact it would also gain expanded coverage rights outside its Grade B contour area did not bar the requested hyphenation. Id.

This unequal treatment of WTWS vis-a-vis other television stations in the Hartford-New Haven market has put WTWS at a significant economic disadvantage. The station began broadcasting in 1986, and, since that time, has never had an operating profit. A little over a year ago, in October 1991, the station was forced to significantly reduce its staff in order to cut losses. See Declaration of Geoff Rose, p. 4 (Attachment E). Moreover, the station is having difficulties in meeting its current financial obligations. Id. Indeed, according to WTWS shareholder and general manager Geoff Rose, failure to include New London in the Hartford-New Haven market designation "would certainly result in WTWS also going dark." Id.

Amendment of Section 73.51 of the rules to include New London in the Hartford-New Haven market designation is essential to turning the station around, so that it can remain a viable competitor in the Hartford-New Haven market. Thus WTWS's "particularized need" is demonstrated by the potentially fatal competitive disadvantage it suffers as the result of being considered a "distant signal" for cable copyright purposes on many market cable systems, and by its inability to claim territorial exclusivity for its syndicated programming due to the provisions of Section 73.658. Compare Orlando, supra, p. 692.

Change in Designation Serves the Public Interest. Since inclusion of New London in the Hartford-New Haven designated market would help alleviate the financial strain on WTWS, giving it a

chance to remain viable in the market in which it competes, the public interest would be served by such action. Conversely, failure to include New London in the Hartford-New Haven market designation would lead to WTWS going silent. Indeed, Hartford-New Haven market viewers already have experienced the loss of one commercial independent station, Hartford Station WHCT, within the past 18 months.^{6/} Moreover, WTWS would not merely provide duplicative network programming, but it is an independent station already airing programming of interest to viewers in the Hartford-New Haven areas of the market, thereby providing an additional public benefit. See i.e., Orlando, supra, at 692.

WHEREFORE, In light of the foregoing, it is respectfully requested that the Commission amend Section 76.51 of its rules to

^{6/} As described by Mr. Rose, WHCT went off-the-air over 18 months ago. Further, there is currently before the Commission a proposal for Station WTXX-TV, Waterbury, Connecticut, licensed to Channel 20 Licensee, Inc. (Renaissance Communications Corp.), to purchase another independent station in the market, WTIC-TV, Hartford, retain a Fox affiliation there, and then spin-off WTXX-TV to be operated, in part, as an affiliate of the Home Shopping Network. See Declaration of Geoff Rose, p. 4 (Attachment E) and Exhibit No. 5 thereto.

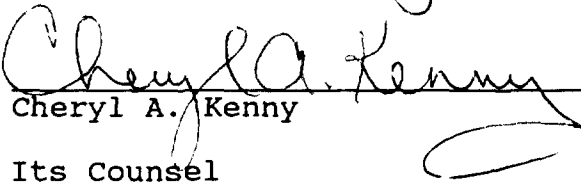
designate the Hartford/New Haven market as "Hartford-New Haven-New Britain-Waterbury-New London."

R&R MEDIA CORPORATION

By:


Dennis F. Begley

By:


Cheryl A. Kenny
Its Counsel

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December 21, 1992

Notice of Proposed Rulemaking,
TV 14, Inc.
(Atlanta and Rome, Georgia)

Before the
Federal Communications Commission
Washington, D.C. 20554

FOC 92-536

In the Matter of:)
)
Request by TV 14, Inc.,) MM Docket No. 92-295
to Amend Section 76.51 of the) RM-8016
Commission's Rules to Include)
Rome, Georgia, in the Atlanta,)
Georgia, Television Market)

NOTICE OF PROPOSED RULE MAKING

Adopted: December 4, 1992 Released: December 8, 1992

Comment Date: January 6, 1993
Reply Comment Date: January 19, 1993

By the Commission:

1. Before the Commission is a Petition for Rule Making filed by TV 14, Inc. ("TV 14"), licensee of WTLK(TV), Channel 14 (Independent), Rome, Georgia, seeking to amend Section 76.51 of the Commission's Rules, 47 C.F.R. §76.51, to change the designation of the Atlanta, Georgia, television market to "Atlanta-Rome, Georgia." Public Notice of the filing of TV 14's petition was given on June 23, 1992. Other than TV 14's comments in support of the requested rulemaking proceeding, no responsive pleadings were received.

BACKGROUND

2. TV 14's instant petition continues its efforts to include WTLK in the Atlanta television market. In a previous decision, TV 14, Inc., 6 FOC Rod 7234 (1991), the Commission granted TV 14's request to include WTLK in the Atlanta market for purposes of Section 73.658(m) of the Commission's Rules relating to territorial exclusivity. As a result of that action, WTLK is able to assert nonnetwork program exclusivity rights against other television stations in the Atlanta market. TV 14 now contends that it is necessary to formally redesignate the Atlanta market as the Atlanta-Rome market in order that WTLK may be considered a local station in the Atlanta area under the cable compulsory copyright license.

3. Specifically, TV 14 states that despite the Commission's recent determination regarding WTLK's competitive position in the subject market,

some Atlanta-area cable systems are "uncomfortable" claiming the station as a local signal (and therefore not subject to distant signal copyright fees) under the compulsory copyright license, 17 U.S.C. § 111. Due to this lingering question as to their liability for copyright fees, Atlanta market cable systems are reportedly unwilling to carry WTLK. TV 14 notes that under the compulsory license, a station is considered a "local signal" for purposes of a cable operator's compensation liability based, in part, on market designations set forth in Section 76.51 of the Commission's Rules. In the case of WTLK, TV 14 maintains that although the Commission has determined that the station is local for purposes of Section 73.658(m) territorial exclusivity, the absence of a formal amendment of Section 76.51 to include Rome in a hyphenated Atlanta market leaves some question for Atlanta-area cable systems as to whether the station is a "local signal" under the compulsory license.¹ TV 14 acknowledges that the Commission is considering whether (and if so, how) to update the Section 76.51 listing of market designations,² but contends that immediate action is necessary to facilitate cable carriage of WTLK and thus give that station an opportunity to remain viable in the Atlanta market in which it competes. In that regard, TV 14 notes that when it obtained relief from the territorial exclusivity rule, the Commission specifically concluded that it would be "counterproductive to put this station at risk by awaiting the completion of the pending rulemaking".³ TV 14 argues that the same logic applies to the instant request, and that relief is justified in light of the Commission's previous recognition of WTLK's competitive position in the Atlanta market.

4. As to formal redesignation of the market, TV 14 maintains that its

¹ TV 14 states that it filed a request with the United States Copyright Office seeking a declaratory ruling that, given the FCC's determination that WTLK was local in Atlanta for programming purposes, it should also be considered local for purposes of compulsory copyright compensation. TV 14 reports, however, that the Copyright Office determined that the Commission's action with respect to Section 73.658(m) territorial exclusivity had no effect on the statutorily mandated mechanics of the compulsory licensing scheme, which is based on the market designations contained in Section 76.51 of the Commission's Rules. Accordingly, the Copyright Office declined to act on TV 14's request.

² Further Notice of Proposed Rulemaking in Gen. Docket No. 87-24, 3 FCC Rcd. 6171 (1988). That rulemaking generally concerns a review of the scope of the territorial and cable television exclusivity rules and the market designations used for purposes of those rules, and related issues involving market designations and the compulsory copyright license. See 3 FCC Rcd at 6176, n.15. We note that the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385 (Cable Act of 1992), requires the Commission to make necessary revisions to Section 76.51 of the Commission's Rules, the list of television markets, in connection with a rulemaking proceeding on must-carry. That proceeding is going forward on a separate track.

³ TV 14, Inc., 6 FCC Rcd at 7235.

previous request for relief from the territorial exclusivity rule demonstrates that it meets the criteria for hyphenation of the Atlanta market. Specifically, it asserts that WTLK places a city grade signal over Atlanta and that the station's Grade B signal contour substantially overlaps those of all Atlanta stations; that ratings services and local media (as well as the Commission) already consider WTLK to be a part of the Atlanta market; and that syndicators charge the station "full Atlanta rates" for programming.

DISCUSSION

5. The top 100 television markets, including hyphenated markets, are those specified in Section 76.51 of the Commission's Rules.⁴ This market list is not only used to determine territorial exclusivity rights under Section 73.658(m), but also helps define the scope of compulsory copyright license liability for cable operators. See 17 U.S.C. §111(f). The "hyphenation" of a market is based on the premise that stations licensed to any of the named communities in the hyphenated market do, in fact, compete with all stations licensed to such communities. See CATV-Non Network Agreements, 46 FCC 2d 892, 898 (1974). Redesignation of the market as requested in this case will permit Atlanta-area cable systems to carry WTLK on an equal basis with other television stations in the market without incurring "distant signal" copyright liability. It would also extend the area in which Atlanta stations are considered local signals under the market definition provisions of the Commission's Rules, and thus redefine the area in which Atlanta stations may assert syndicated exclusivity and network nonduplication rights.

6. The Commission has defined a hyphenated television market as one characterized by more than one major population center supporting all stations in the market including competing stations licensed to different cities within that market area. See Cable Television Report & Order, 36 FCC 2d 143, 176 (1972). Market hyphenation "helps equalize competition" where, due to population, geographic, or other factors, some stations licensed to different communities beyond the Grade B contours of those stations in a given television market compete for economic support. Id. In evaluating past requests for hyphenation of a market, the Commission has considered among the following factors as relevant to its examination: (1) the distance between the proposed community and the existing designated communities; (2) whether cable carriage, if afforded to the subject station, would extend to areas beyond its Grade B signal coverage area; (3) the presence of a clear showing of a particularized need by the station requesting the change of market designation; and (4) an indication of benefit to the public from the proposed change. See, e.g., Major Television Markets (Fresno-Visalia, Calif.), 57 RR 2d 1122 (1985). Each of these factors assists the Commission to evaluate individual market conditions consistently with the underlying competitive purpose of the market

⁴ The Atlanta market is currently ranked eighteenth in Section 76.51. For markets not listed in Section 76.51, the Commission refers to the most recent ARB Television Market Analysis.

hyphenation rule to delineate areas where stations can and do, both actually and logically, compete.

7. Based on the facts presented, we believe that a sufficient case for market hyphenation has been set forth so that this proposal should be tested through the rulemaking process and comment requested from interested parties. Accordingly, we seek comment on amending the list of television markets set forth in Section 76.51 by hyphenating the Atlanta market to include Rome as requested by TV 14. It appears from the information before us that WTLK and the stations in the Atlanta market have coverage areas that substantially overlap and that these stations do, in fact, compete for audiences with each other throughout much of the proposed combined market area. Arbitron already lists Rome within the Atlanta "area of dominant influence." Moreover, TV 14 references and reasserts its previous showing that program syndicators and market-area program listings consider WTLK local in the market, and claims such facts further underscore that WTLK and the other Atlanta market stations are economically interdependent and competitive. Although Rome and Atlanta are some 56 miles distant and the facilities of the Rome and Atlanta stations are not collocated, the Commission has previously concluded, in a slightly different context, that the actual location of the transmitters of the stations involved render the stations unavoidably competitive.⁵

8. Accordingly, based on our stated policy considerations, we tentatively conclude that Section 76.51 of the Commission's Rules should be amended by adding Rome to the Atlanta market designation, and we seek comment on this tentative conclusion.

ADMINISTRATIVE MATTERS

Ex Parte Rules -- Non-Restricted Proceeding

9. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's Rules. See generally 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

Comment Information

10. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before January 6, 1993, and reply comments on or before January 19, 1993. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission,

⁵ 6 FCC Rcd at 7235.

Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

Initial Regulatory Flexibility Analysis

11. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposed rule amendment is promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. A few number of television licensees and permittees will be affected by the proposed rule amendment. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 et seq. (1981).

Additional Information

12. For additional information on this proceeding, contact Alan E. Aronowitz, Mass Media Bureau, (202) 632-7792.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy
Secretary

Attachment B

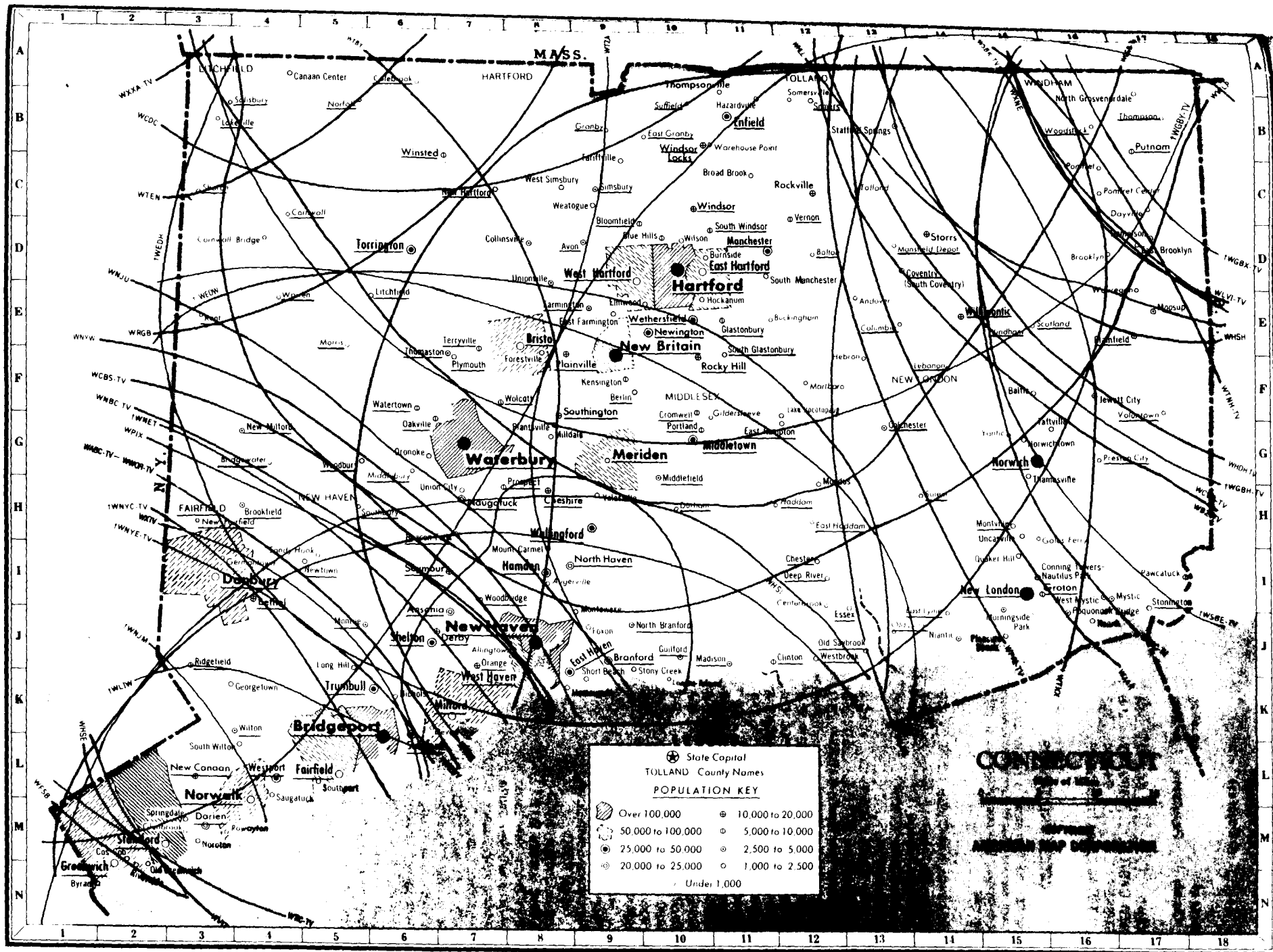
Relevant Pages of
1992 Cable and Station Coverage Atlas

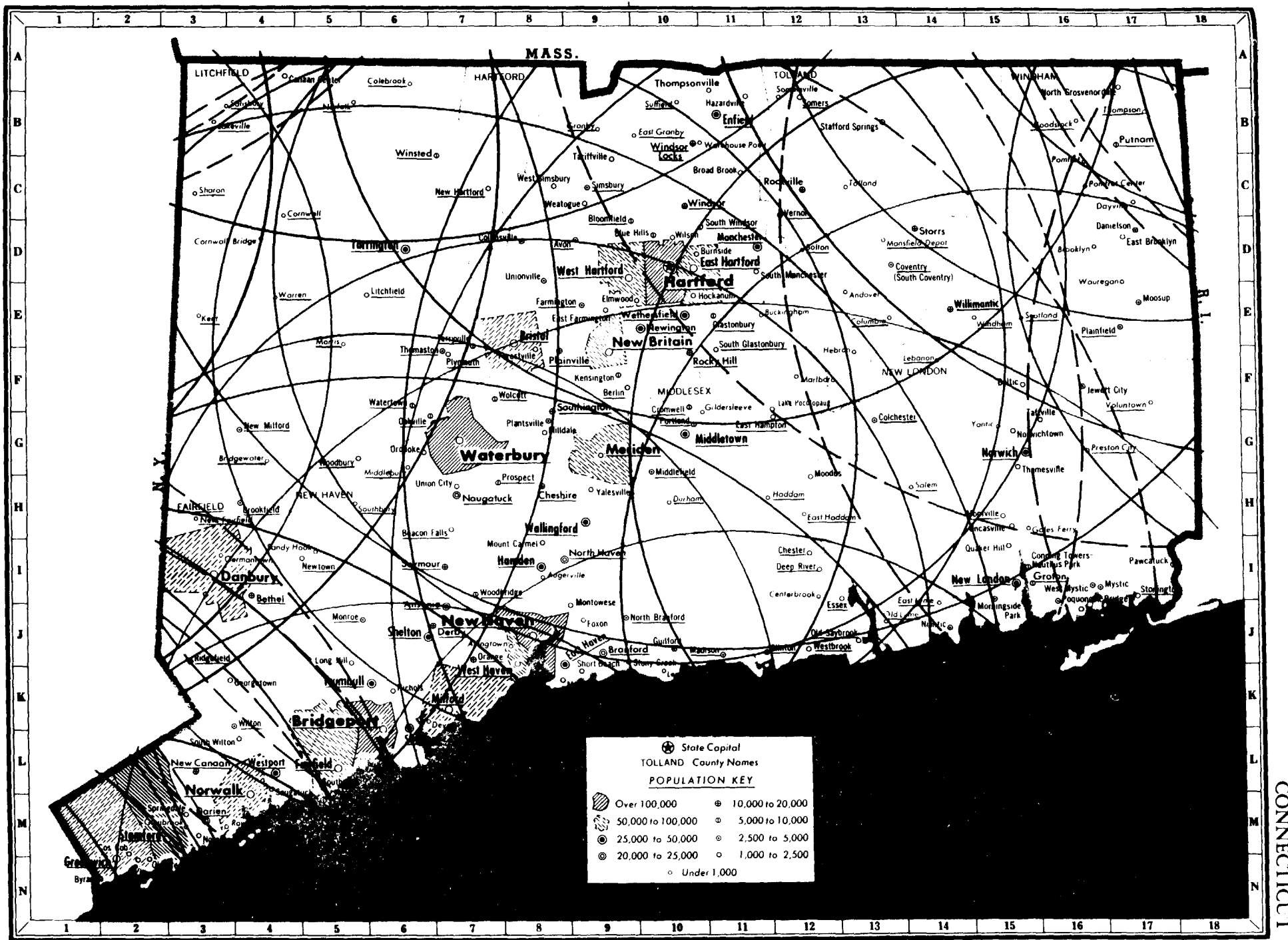


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V Stations By Rank

FTS, Tampa-St. Petersburg, FL, Ch. 28, FOX Tampa Bay Television Inc., 813-623-2828.
TVT, Tampa-St. Petersburg, FL, Ch. 13, CBS, WTVT Holdings Inc., 813-876-1313.
USF-TV, Tampa-St. Petersburg, FL, Ch. 16, PBS, Board of Regents, 813-974-4000.
VBSV-TV, Venice, FL, Ch. 62, IND, DeSoto Bcstg. Inc., 813-954-4227.

17 Pittsburgh

TV Households: 1,139,600

WPCB-TV, Greensburg-Pittsburgh, PA, Ch. 40, IND, Cornerstone Television Inc., 412-824-3930.
WNPB-TV, Morgantown, WV, Ch. 24, PBS, West Virginia Educational Bcstg. Authority, 304-293-6511.
WGPT, Oakland, MD, Ch. 36, PBS, Maryland Public Bcstg. Commission, 301-356-5600.
KDKA-TV, Pittsburgh, PA, Ch. 2, CBS, Group W Television Inc., 412-392-2200.
WPGH-TV, Pittsburgh, PA, Ch. 53, FOX, Sinclair Broadcast Group, 412-931-5300.
WPTT-TV, Pittsburgh, PA, Ch. 22, IND, WPTT Inc., 412-856-9010.
WPXI, Pittsburgh, PA, Ch. 11, NBC, WPXI Inc., 412-237-1100.
WQED, Pittsburgh, PA, Ch. 13, PBS, QED Communications, 412-622-1300.
WQEX, Pittsburgh, PA, Ch. 16, PBS, QED Communications, 412-622-1550.
WTAE-TV, Pittsburgh, PA, Ch. 4, ABC, The Hearst Corp., 412-242-4300.

18 St. Louis

TV Households: 1,110,900

WHSL, East St. Louis, IL, Ch. 46, IND, Roberts Bcstg. Co., 314-367-4600.
WCEE, Mount Vernon-Salem-Centralia, IL, Ch. 13, IND, Sudbrink Bcstg. of Midwest Inc., 618-822-6900.
KDNL-TV, St. Louis, MO, Ch. 30, FOX, River City License Partnership, 314-436-3030.
KETC, St. Louis, MO, Ch. 9, PBS, St. Louis Regional Educational & Public TV Commission, 314-725-2460.
KMOV, St. Louis, MO, Ch. 4, CBS, Viacom Broadcasting of Missouri Inc., 314-621-4444.
KNLC, St. Louis, MO, Ch. 24, IND, New Life Evangelistic Center Inc., 314-436-2424.
KPLR-TV, St. Louis, MO, Ch. 11, IND, Koplar Communications Inc., 314-367-7211.
KSDK, St. Louis, MO, Ch. 5, NBC, Multimedia KSDK Inc., 314-421-5055.
KTVI, St. Louis, MO, Ch. 2, ABC, KTVI-TV Inc., 314-647-2222.

19 Sacramento-Stockton

TV Households: 1,045,700

KCSQ, Modesto, CA, Ch. 19, IND, Sainte Ltd., 209-578-1900.
KCMY, Sacramento, CA, Ch. 29, IND, Ponce-Nicasio Bcstg. Ltd. Debtor-in-Possession, 916-443-2929.
KCRA-TV, Sacramento, CA, Ch. 3, NBC, Kelly Broadcasting Co., 916-444-7300.
KRBK-TV, Sacramento-Stockton, CA, Ch. 31, IND, Koplar Communications of California Inc., 916-929-0300.
KTXL, Sacramento-Stockton, CA, Ch. 40, FOX, Channel 40 Licensee Inc., 916-454-4422.
KVIE, Sacramento-Stockton, CA, Ch. 6, PBS, KVIE Inc., 916-929-5843.

KXTV, Sacramento-Stockton, CA, Ch. 10, CBS, Great Western Broadcasting Corp., 916-441-2345.
KFTL, Stockton, CA, Ch. 64, ETV, Family Stations Inc., 209-943-6464.
KQVR, Stockton-Sacramento, CA, Ch. 13, ABC, Anchor Media Television Inc., 916-374-1313.
KSCH-TV, Stockton-Sacramento, CA, Ch. 58, IND, Pegasus Bcstg. of Stockton/Sacramento Inc., 916-635-5858.

20 Phoenix

TV Households: 1,021,500

KMOH-TV, Kingman, AZ, Ch. 6, IND, Grand Canyon Television Co. Inc., 602-757-7676.
KAET, Phoenix, AZ, Ch. 8, PBS, Arizona Board of Regents, 602-965-3506.
KNXV-TV, Phoenix, AZ, Ch. 15, FOX, Scripps Howard Broadcasting Co., 602-243-4151.
KPAZ-TV, Phoenix, AZ, Ch. 21, IND, Trinity Broadcasting of Arizona Inc., 602-273-1477.
KPHO-TV, Phoenix, AZ, Ch. 5, IND, Meredith Corp., 602-264-1000.
KTSP-TV, Phoenix, AZ, Ch. 10, CBS, Great American Television & Radio Co. Inc., 602-257-1234.
KTVK, Phoenix, AZ, Ch. 3, ABC, Arizona Television Co., 602-263-3333.
KTVW-TV, Phoenix, AZ, Ch. 33, IND, KTVW Inc., 602-243-3333.
KUTP, Phoenix, AZ, Ch. 45, IND, United Television Inc., 602-268-4500.
KPNX, Phoenix-Mesa, AZ, Ch. 12, NBC, KPNX Broadcasting Co., 602-257-1212.
KUSK, Prescott-Phoenix, AZ, Ch. 7, IND, KUSK Inc., 602-778-6770.

21 Denver

TV Households: 1,008,200

KBDI-TV, Broomfield, CO, Ch. 12, PBS, Front Range Educational Media Corp., 303-458-1200.
KWHQ, Castle Rock, CO, Ch. 53, IND, LeSea Bcstg. Corp., 317-773-5050.
KCEC, Denver, CO, Ch. 50, IND, Golden Hills Bcstg. Corp., 303-235-0049.
KCNC-TV, Denver, CO, Ch. 4, NBC, NBC Subsidiary Inc., 303-861-4444.
KDVR, Denver, CO, Ch. 31, FOX, Channel 31 Licensee Corp., 303-595-3131.
KMGH-TV, Denver, CO, Ch. 7, CBS, McGraw-Hill Bcstg. Co. Inc., 303-832-7777.
KRMA-TV, Denver, CO, Ch. 6, PBS, Council for Public Television, Channel 6 Inc., 303-892-6666.
KTVD, Denver, CO, Ch. 20, IND, Twenver Broadcast Inc., Debtor-in-Possession, 303-792-2020.
KUBD, Denver, CO, Ch. 59, IND, The Denver Ch. 59 Partnership Ltd., 303-751-5959.
KUSA-TV, Denver, CO, Ch. 9, ABC, Combined Communications Corp., 303-893-9000.
KWBI-TV, Denver, CO, Ch. 41, ETV, Colorado Christian University, 303-697-5924.
KWGN-TV, Denver, CO, Ch. 2, IND, WGN of Colorado Inc., 303-740-2222.
KREG-TV, Glenwood Springs, CO, Ch. 3, CBS, NBC, W. Russell Withers Jr., 303-963-3333.
KFNR, Rawlins, WY, Ch. 11, ABC, First National Bcstg. Corp., 307-577-5923.
KSBS-TV, Steamboat Springs, CO, Ch. 24, IND, Steamboat Broadcast System Inc., 303-879-3724.

22 Baltimore

TV Households: 963,900

WMPT, Annapolis, MD, Ch. 22, PBS, Maryland Public Bcstg. Commission, 301-356-5600.
WBAL-TV, Baltimore, MD, Ch. 11, CBS, Hearst Corp., 301-467-3000.
WBFF, Baltimore, MD, Ch. 45, FOX, Chesapeake Television Licensee Inc., 301-728-7724.
WHSW, Baltimore, MD, Ch. 24, IND, Silver King Bcstg. of Maryland, 301-358-2400.
WJZ-TV, Baltimore, MD, Ch. 13, ABC, Group W Television Inc., 301-466-0013.
WMAR-TV, Baltimore, MD, Ch. 2, NBC, Scripps Howard Bcstg. Co., 301-377-2222.
WMPB, Baltimore, MD, Ch. 67, PBS, Maryland Public Bcstg. Commission, 301-356-5600.
WNUV-TV, Baltimore, MD, Ch. 54, IND, WNUV Inc., 301-462-5400.

23 Orlando-Daytona Beach-Melbourne

TV Households: 926,900

WKCF, Clermont, FL, Ch. 18, IND, New Jersey Press Inc., 407-645-1818.
WBCC, Cocoa, FL, Ch. 68, ETV, Brevard Community College, 407-632-1111.
WTGL-TV, Cocoa, FL, Ch. 52, IND, Good Life Broadcasting Inc., 407-423-5200.
WAYO, Daytona Beach, FL, Ch. 26, IND, George E. Mills Jr., 904-238-0026.
WESH, Daytona Beach-Orlando, FL, Ch. 2, NBC, WESH-TV Broadcasting Inc., 904-226-2222.
WACX, Leesburg-Orlando, FL, Ch. 55, IND, Sharp Communications Inc., 407-297-0155.
WAYK, Melbourne, FL, Ch. 56, IND, George E. Mills Jr., 407-725-0056.
WBSF, Melbourne-Orlando, FL, Ch. 43, IND, Blackstar Communications Inc., 407-254-4343.
WCEU, New Smyrna Beach, FL, Ch. 15, ETV, Coastal Educational Broadcasters, 904-254-4415.
WCPX-TV, Orlando, FL, Ch. 6, CBS, First Media Corp., 407-291-6000.
WMFE-TV, Orlando, FL, Ch. 24, PBS, Community Communications Inc., 407-273-2300.
WOFL, Orlando, FL, Ch. 35, FOX, Meredith Corp., 407-844-3535.
WFTV, Orlando-Daytona Beach-Melbourne, FL, Ch. 9, ABC, WFTV INC., 407-841-9000.

24 Hartford-New Haven

TV Households: 925,600

WEDH, Hartford, CT, Ch. 24, PBS, Connecticut Public Broadcasting Inc., 203-278-5310.
WFSB, Hartford, CT, Ch. 3, CBS, Post-Newsweek Stations Connecticut Inc., 203-728-3333.
WTIC-TV, Hartford, CT, Ch. 61, FOX, Channel 61 Licensee Corp., 203-527-6161.
WVIT, New Britain-Hartford, CT, Ch. 30, NBC, Arsenal M Sub 17 Inc., 203-521-3030.
WEDY, New Haven, CT, Ch. 65, PBS, Connecticut Public Broadcasting Inc., 203-278-5310.
WTNH-TV, New Haven-Hartford, CT, Ch. 8, ABC, Cook Inlet Communications Corp., 203-784-8888.
WTWS, New London, CT, Ch. 26, IND, R & R Media Corp., 203-444-2626.
WEDN, Norwich, CT, Ch. 53, PBS, Connecticut Public Broadcasting Inc., 203-278-5310.

WTXX, Waterbury, CT, Ch. 20, IND, Renaissance Communications Corp., 203-575-2020.

25 San Diego

TV Households: 911,200

KFMB-TV, San Diego, CA, Ch. 8, CBS, Midwest Television Inc., 619-571-8888.
KGTV, San Diego, CA, Ch. 10, ABC, McGraw-Hill Broadcasting Co., 619-237-1010.
KNSD, San Diego, CA, Ch. 39, NBC, Gillett Communications of San Diego Inc., 619-279-3939.
KPBS, San Diego, CA, Ch. 15, PBS, Board of Trustees, 619-594-1515.
KTTY, San Diego, CA, Ch. 69, IND, San Diego Television Inc., 619-575-6969.
KUSI-TV, San Diego, CA, Ch. 51, IND, McKinnon Broadcasting Co., 619-571-5151.
XETV, San Diego, CA-Tijuana, Mexico, Ch. 6, FOX, Radio-Television, S.A., 619-279-6666.
XEWTV, San Diego, CA-Tijuana, Mexico, Ch. 12, IND, Televisora de Calmex S.A., 619-437-0101.

26 Indianapolis

TV Households: 853,200

WTIU, Bloomington, IN, Ch. 30, PBS, Trustees of Indiana University, 812-855-5900.
WCLJ, Bloomington-Indianapolis, IN, Ch. 42, IND, Trinity Bcstg. of Indiana, 317-535-5542.
WLIB, Bloomington-Indianapolis, IN, Ch. 63, IND, Channel 63 Inc., 317-878-5407.
WTTV, Bloomington-Indianapolis, IN, Ch. 4, IND, River City License Partnership, 317-787-2211.
WFYI, Indianapolis, IN, Ch. 20, PBS, Metropolitan Indianapolis Public Broadcasting Inc., 317-636-2020.
WHMB-TV, Indianapolis, IN, Ch. 40, IND, LeSea Broadcasting Co., 317-773-5050.
WISH-TV, Indianapolis, IN, Ch. 8, CBS, Indiana Broadcasting Corp., 317-923-8888.
WRTV, Indianapolis, IN, Ch. 6, ABC, McGraw-Hill Broadcasting Co. Inc., 317-635-9788.
WTHR, Indianapolis, IN, Ch. 13, NBC, Video-Indiana Inc., 317-636-1313.
WXIN, Indianapolis, IN, Ch. 59, FOX, Chase Broadcasting of Indianapolis Inc., 317-632-5900.
WTTK, Kokomo, IN, Ch. 29, IND, River City License Partnership, 317-787-2211.
WMCC, Marion-Indianapolis, IN, Ch. 23, IND, Marion TV Inc., 317-552-0804.
WIPB, Muncie, IN, Ch. 49, PBS, Ball State University, 317-285-1249.

27 Portland, OR

TV Households: 839,900

KOAC-TV, Corvallis, OR, Ch. 7, PBS, Oregon Commission on Public Bcstg., 503-244-9900.
KTVR, La Grande, OR, Ch. 13, PBS, Oregon Commission on Public Bcstg., 503-244-9900.
KATU, Portland, OR, Ch. 2, ABC, Fisher Broadcasting Inc., 503-231-4222.
KGW-TV, Portland, OR, Ch. 8, NBC, King Broadcasting Co., 503-226-5000.
KNMT, Portland, OR, Ch. 24, IND, National Minority TV Inc., 503-252-0792.
KOIN-TV, Portland, OR, Ch. 6, CBS, KOIN-TV Inc., 503-464-0600.

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